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## REVIEWS AND CRITICISMS

considerably above the average of other criminals, and of the law-abiding community; finally, thieves and burglars (who constitute, it must be borne in mind, ninety per cent of all criminals), and also incendiaries as well, being inferior in stature and weight, are also relatively to other criminals and the population at large, puny in their general bodily habit. *These are the sole facts at the basis of criminal anthropology*; they are the only elements of truth out of which have been constructed the elaborate, extravagant, and ludicrously uncritical criminological doctrines of the great protagonist of the "criminal type" theory.

As to the mental differentiation of the criminal, the author took up the study of the differentiation of criminals in mental characters. He studied their temperament, temper, facility (or pliability), conduct, suicidal tendency, insane diathesis. His conclusion is that the one vital mental constitutional factor in the etiology of crime is defective intelligence. As to the influence of the "force of circumstances," the author disagrees absolutely with the criminal sociologists, who say that the source of crime must be sought in the adverse social and economic environment of the malefactor. His own conclusion is that "relatively to its origin in the constitution of the malefactor, and especially in his mentally defective constitution, crime is only to a trifling extent (if to any) the product of social inequalities, of adverse environment, or of other manifestations of what may be comprehensively termed the "force of circumstances." The criminal is unquestionably a product of the most prolific stocks in the general community, and therefore it is false to hold that criminals share in the relative sterility of all degenerate stocks. As to the role of heredity, the criminal diathesis revealed by the tendency to be convicted and to be imprisoned for crime is influenced by the force of heredity in much the same way, and to much the same extent as are physical and mental qualities and conditions in man.

The author is to be congratulated upon the successful completion of an arduous research, the results of which he has presented with remarkable lucidity, a quality which is, however, not gained at the expense of accuracy. The work is an extremely valuable contribution to our knowledge of the actual facts concerning the convicted criminal.

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MACFIE CAMPBELL.

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KINDERAUSSAGEN IN EINEM SITTLICHKEITSPROZESS. By *Karl Marbe*. *Fortschritte der Psychologie und ihrer Anwendungen*, Vol. 1, 1913, Pp. 375-396.

Professor Marbe, who is now in charge of the psychological laboratory at Würzburg, was called upon to give expert testimony in aid of the defense of a school teacher accused of immoral sexual relations with seven of his girl pupils. The accusations against the teacher were due partly to the fact that he was accustomed to indulge in certain familiarities with his pupils that were unwise, though neither criminal nor immoral (caresses, tickling, etc.) and that these familiarities led to rumors which were speedily exaggerated and then used by some of his enemies in

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the village to foment prejudice against him. The interest in the case for the psychology of testimony lies partly in the example it affords of the development of rumors, and of the effect upon the minds of young girls of stories connected with alleged sex offenses, and partly in the role played by the psychological expert in coming to the defense of the teacher.

Professor Marbe presented to the court a fairly lengthy summary of the investigations made by psychologists into the nature of the testimonial process, in the course of which he made clear the necessity of taking a critical attitude toward the testimony of children, the necessity of eliminating suggestive questions when securing information from children, and of discounting evidence offered by young girls on a matter of sex, even when the testimony seemed at first to show general agreement among the various witnesses. His presentation was reinforced by the narration of a number of concrete examples of these principles.

Marbe then applied these principles to the case before the court and presented a very interesting analysis of the testimony offered by the young girls, showing how they had all been influenced by the testimony of a single girl, who was herself conclusively proved to be quite unreliable, how girls of this age might start from a few not clearly understood facts and weave from them a tissue of testimony that seemed to have verisimilitude, and how the collection of this testimony had been accomplished by the psychologically unwarranted method of asking questions that could be answered only by "yes" or "no," thus giving free rein to the operation of suggestion emanating from the examiner. The girls really did nothing but affirm what the questioner had implied in his questions. Their evidence was self-contradictory when put to the test of careful analysis, was logically absurd, and varied from day to day—usually growing in enormity of the alleged offences until Marbe took the stand, when they broke down and confessed to their false accusations, all save two girls whose evidence was eventually disproved by medical examination of their own persons. Marbe also criticized the court for failing to take exact stenographic reports of the evidence secured by the question-and-answer method, since the result of this failure was to obscure the precise statements of the girls, to distort their statements and to render it difficult to disentangle accurate statements of fact from invented and imaginary replies made to fit the form of the examiner's questions.

Marbe's testimony aroused considerable hostility on the part of the prosecution, but it had its due effect upon the court, so that the teacher was acquitted. The case, then, adds one more to the number in which the work of psychologists has been of direct concrete value in the courtroom.

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GENERAL PARESIS. By *Prof. Emil Kraepelin*, Munich. Translated by J. W. Moore, M. D. *Nervous and Mental Disease Monograph*, Series No. 14. Pp. 197. Nervous and Mental Disease Publishing Co., New York, 1913.

Kraepelin's publications on psychiatric subjects have for several